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12 (erroneously sued and served herein as
13 DR. SCOTT WOODS)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1 JULIA HUBBARD and KAYLA
2 GOEDINGHAUS,

3 Plaintiffs,

4 v.

5 TRAMMELL S. CROW, JR., et al.,

6 Defendants.

7 Case No. 2:22-cv-7957-FLA-MAA

8 Assigned to Honorable
9 Fernando L. Aenlle-Rocha

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**DEFENDANT MICHAEL SCOTT
WOODS, M.D.'S NOTICE OF
MOTION AND MOTION TO
DISMISS FOR LACK OF
PERSONAL JURISDICTION AND
JOINDER IN MOTION TO
DISMISS BY DEFENDANT
PRUITT; MEMORANDUM OF
POINTS AND AUTHORITIES**

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[Filed Concurrently with Declaration of
Michael Scott Woods and [Proposed]
Order]

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Date: March 10, 2023
Time: 1:30 p.m.
Place: Courtroom 6B

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Trial Date: None Set

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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PLEASE TAKE NOTICE that on March 10, 2023, at 1:30 p.m., or as soon
thereafter as the matter may be heard, before the Honorable Fernando L. Aenlle-
Rocha at the First Street Courthouse, 350 West Pt Street, Courtroom 6B, 6th Floor
-1- Case No. 2:22-cv-7957-FLA-MAA

1 Los Angeles, California 90012, Defendant Michael Scott Woods, M.D. (erroneously
 2 sued and served herein as Dr. Scott Woods) (hereinafter "Dr. Woods") will and
 3 hereby does specially appear and move pursuant to Rule 12(b)(2) of the Federal
 4 Rules of Civil Procedure for an order dismissing this action because the Court lacks
 5 personal jurisdiction over Dr. Woods.

6 In addition, Dr. Woods, hereby joins in the pending motion to dismiss of
 7 Defendant Robert L. Pruitt, III, and incorporates same herein in full. Dr. Woods
 8 based this Joinder on the fact that he makes the same arguments and seeks the same
 9 relief as Defendant Pruitt as more fully set forth herein.

10 This Motion is based on the following grounds:

11 1) This Court does not have general or specific jurisdiction over Dr. Woods
 12 because, among other things, he has no physical presence nor is he domiciled in
 13 California, nor are there any allegations of specific conduct by Dr. Woods in
 14 California;

15 2) Application of nationwide jurisdiction under the RICO statutes is not
 16 appropriate in this case as the ends of justice do not require this Court to assert
 17 personal jurisdiction over nearly every named party in this case (all of whom reside
 18 outside of California), save and except for a single medical defendant who resides
 19 and works in this Judicial District. Moreover, the ends of justice are not met by this
 20 Court asserting personal jurisdiction over all of these out-of-state parties in this case
 21 when nearly all of the conduct alleged in the Complaint occurred outside of
 22 California.

23 3) Finally, without question another, far more appropriate forum exists for
 24 this case, to wit, Texas, where nearly every defendant resides and where nearly all
 25 of the alleged conduct took place.

26 This Motion is based on this Notice of Motion and Motion, the attached
 27 Memorandum of Points and Authorities, the concurrently filed Declaration of
 28 Defendant Michael Scott Woods, those matters of which the Court properly may

1 take judicial notice, on such further evidence and argument as may be presented to
2 the Court in further briefing and at oral argument at the hearing on this Motion, and
3 on the papers, records, and pleadings on file herein.

4 **Compliance with Local Rule 7-3:** This Motion is made following the
5 conference of counsel pursuant to Local Rule 7-3 which began via substantive email
6 on January 31, 2023 and was concluded via telephone on February 3, 2023 due to
7 the unavailability of Plaintiffs' counsel who was in trial in New York.

8
9 DATED: February 8, 2023

WOOD, SMITH, HENNING & BERMAN LLP

10
11 By: _____
12

13 BRIAN L. HOFFMAN
14 DAVID J RUBAUM
15

16 Attorneys for Defendant, MICHAEL SCOTT
17 WOODS, M.D. (erroneously sued and served
18 herein as DR. SCOTT WOODS)

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TABLE OF CONTENTS

Page	
I.	INTRODUCTION.....6
II.	SUMMARY OF PERTINENT FACTS.....7
	A. General Allegations.....7
	B. Jurisdictional Allegations.....8
	C. Allegations against moving Party Dr. Woods.9
	D. Dr. Woods' declaration makes clear that there is no traditional basis upon which this Court could exercise personal jurisdiction over him.9
III.	LEGAL ARGUMENT10
	A. Personal Jurisdiction.....10
	1. The Court lacks general jurisdiction over Dr. Woods.11
	2. The Court lacks specific jurisdiction over Dr. Woods.11
	B. Nationwide jurisdiction is inappropriate in this case.11
IV.	CONCLUSION13

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TABLE OF AUTHORITIES

2	<u>Page</u>
3	<u>CASES</u>
4	<i>Bristol-Myers Squib Co. v. Superior Court</i> , 582 U.S., 137 S.Ct. 1773.....10
5	<i>Butcher's Union Local No. 498, United Food & Commercial Workers v. SDC Inv., Inc.</i> , 788 F.2d 535.....12
6	
7	<i>Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee</i> , 456 U.S. 69410
8	
9	<i>Int'l Shoe Co. v. State of Wash.</i> , 326 U.S. 31011
10	<i>Omni Capital Int'l, Ltd. v. Rudolph Wolff & Co., Ltd.</i> , 484 U.S. 9710
11	
12	<u>OTHER AUTHORITIES</u>
13	18 U.S.C. § 1962(c) and (d).....8
14	
15	<u>RULES</u>
16	Fed. R. Civ. P. 4(k)(1)(A).....10

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

3 Even a cursory review of the Complaint makes one thing abundantly clear-
4 the Central District of California was apparently picked by Plaintiffs for strategic
5 reasons and not because of where the events took place, where the parties live and
6 work, or any other reason that would make that choice appear reasonable from a
7 logistic and legal point of view. More specifically, of the approximately 30 named
8 parties (including the Plaintiffs themselves), only one party resides and does
9 business within the Central District, to wit, defendant Dr. Benjamin Todd Eller.
10 Moreover, nearly all of the conduct alleged in the Complaint occurred outside of
11 California, and presumably the majority of witnesses and evidence are located
12 outside of California as a result. To the contrary, nearly all of the parties reside in
13 Texas, and nearly all of the conduct occurred in Texas, which would seem to make
14 Texas the appropriate forum for this action, if anywhere.

15 With respect to moving Defendant Dr. Woods, his concurrently filed
16 declaration makes clear that this Court does not have jurisdiction over him when
17 considering the traditional bases for exercising personal jurisdiction over a party.
18 Specifically, Dr. Woods declaration establishes that:

19 1) He was served with the summons and complaint in Texas;
20 2) He has lived (and continues to live) in Texas for the last 33 years;
21 3) He has never lived in California, nor has he owned, leased or rented
22 property in California;
23 4) His only visits to California in the last 10 years were to visit colleges with
24 his son;
25 5) He has never been involved in litigation in California, save and except for
26 the instant litigation;

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1 6) His professional work is conducted in Texas, he has never worked in
 2 California nor did he treat plaintiff Hubbard in California (and he did not treat
 3 plaintiff Goedinghaus at all to his knowledge);
 4 7) He does not nor has he ever banked with a California bank to his
 5 knowledge, nor has he paid taxes there;
 6 8) He has never been in California with any named party to this case; and
 7 9) His only communications with any party to this case involved his former
 8 patient Plaintiff Hubbard in his office in Texas, and with his colleague
 9 Defendant Dr. Bolin, who is also located in Texas.

10 (See Woods Decl., ¶¶2-10).

11 Given the fact that jurisdiction is clearly not proper in this District Court
 12 based on traditional considerations for determining same, Plaintiffs cite to the RICO
 13 jurisdictional statute, to wit, 18 U.S.C. §1962, as a basis to establish nationwide
 14 jurisdiction in this case. (See Comp. [ECF No. 1], ¶¶58-59). However, there is
 15 more to it than simply citing that statute. Plaintiff's must establish that the ends of
 16 justice are met by allowing this Court to assert personal jurisdiction over the
 17 approximately 28 defendants who reside outside of California when it would not
 18 otherwise have that jurisdictional power. A simple reading of the Complaint makes
 19 clear that the ends of justice are met not by litigating this case in California, but by
 20 having this case litigated in the State where nearly all defendants reside and nearly
 21 all of the conduct took place, namely in Texas.

22 For all of these reasons, and because Plaintiffs cannot show that Texas is not
 23 an alternative forum, the Court should grant the instant motion.

24 **II. SUMMARY OF PERTINENT FACTS.**

25 **A. General Allegations.**

26 The gravamen of the Complaint is that the “defendants” engaged in an illegal
 27 enterprise wherein “sex-parties” and “human sex-trafficking” took place. (See
 28 Comp., ¶1). It is alleged that the Plaintiffs, Julia Hubbard and Kayla

1 Goedinnghaus- were victims of this enterprise who also happen to be an ex-wife and
 2 fiancé of the “head” of this enterprise, to wit, defendant Richard Hubbard. (See
 3 Comp., ¶1).

4 Plaintiff has broken up the defendants into various categories as follows: 1) The Medical Doctor Defendants- who illegally prescribed drugs to “control” the
 5 victims of the enterprise presumably in exchange for the payment of money (see
 6 Comp., ¶¶7-16); 2) The Fixer Defendants- to keep everyone in line under threat of
 7 legal process and/or abuse (see Comp., ¶¶17-28); 3) The Investor Defendants- who
 8 funded the enterprise and distributed the profits (see Comp., ¶¶29-40); and 4) The
 9 Labor Trafficking Defendants- who were managers of a Cabaret club (in Texas)-
 10 who forced victims to work within the enterprise (see Comp., ¶¶41-52). Moving
 11 Defendant, Dr. Woods, is obviously a Medical Doctor Defendant.

12 **B. Jurisdictional Allegations.**

13 The Complaint, as it must, sets forth residency allegations for purposes of
 14 jurisdiction. Those allegations make clear that the Central District of California is,
 15 at a minimum, a very odd choice for venue:

16 1) Twenty-five (25) of Twenty-Eight (28) defendants reside in Texas. (See
 17 Comp., ¶¶ 62-89).
 18 2) Both Plaintiffs reside in Virginia. (See Comp., ¶¶60-61).
 19 3) All of the identified non-parties set forth in the Complaint reside in Texas.
 20 (See Comp., ¶92-94).
 21 4) *A single defendant- Eller- resides and works in California.* (See Comp.,
 22 ¶64).

23 Based on the above, Plaintiffs allege that Venue is appropriate in the Central
 24 District of California based on the fact that the single Defendant, Eller, resides and
 25 operates his business there. (See Comp., ¶53). Plaintiffs continue by asserting that
 26 this Court has personal jurisdiction over the parties based on violations of 18 U.S.C.
 27 § 1962(c) and (d) which were made possible by the acts of Defendant Eller, which
 28

1 occurred in this District. (See Comp., ¶58). Finally, Plaintiff allege (without any
 2 factual support) that this Court has personal jurisdiction over each of the non-
 3 resident Defendants because they purposefully availed themselves to the laws and
 4 benefits of California. (See *Id.*). These claims are specious.

5 **C. Allegations against moving Party Dr. Woods.**

6 As to Dr. Woods, the allegations against him in the 62-page Complaint are
 7 minimal to say the least. Besides for identifying him as one of the approximately 28
 8 defendants who live outside of California (see Comp., ¶67), the Complaint alleges
 9 that Dr. Woods was one of the physicians who improperly prescribed medications to
 10 the alleged victims (see Comp., ¶¶14, 145 and 151), and that he ignored Plaintiffs'
 11 pleas for assistance (see Comp., ¶15). That is it. And it must be noted that as set
 12 forth in his declaration, Dr. Woods' professional practice is in Texas and that he
 13 treated plaintiff Hubbard in Texas, not in California. (See Woods Decl., ¶¶ 7
 14 and 10).

15 **D. Dr. Woods' declaration makes clear that there is no traditional
 16 basis upon which this Court could exercise personal jurisdiction over him.**

17 As set forth above and in the concurrently filed declaration of Dr. Woods:
 18 1) He was served with the summons and complaint in Texas;
 19 2) He has lived (and continues to live) in Texas for the last 33 years;
 20 3) He has never lived in California, nor has he owned, leased or rented
 21 property in California;
 22 4) His only visits to California in the last 10 years were to visit colleges with
 23 his son;
 24 5) He has never been involved in litigation in California, save and except for
 25 the instant litigation;
 26 6) His professional work is conducted in Texas, he has never worked in
 27 California nor did he treat plaintiff Hubbard in California (and he did not treat
 28 plaintiff Goedinghaus at all to his knowledge);

Case No. 2:22-cv-7957-FLA-MAA

1 7) He does not nor has he ever banked with a California bank to his
 2 knowledge, nor has he paid taxes there;
 3 8) He has never been in California with any named party to this case; and
 4 9) His only communications with any party to this case involved his former
 5 patient Plaintiff Hubbard in his office in Texas, and with his colleague
 6 Defendant Dr. Bolin, who is also located in Texas.

7 (See Woods Decl., ¶¶2-10).

8 Moreover, Dr. Woods states in his declaration that litigating this case in
 9 California based on his lack of contacts/connections with the State, coupled with the
 10 fact that the conduct alleged against him took place in Texas, makes no sense to him
 11 and imposes a significant burden on him both personally and professionally.
 12 (Woods Decl., ¶11). Finally, Dr. Woods states that he has never agreed to
 13 jurisdiction in California, nor has he purposefully availed himself to the benefits of
 14 the laws of the State of California. (Woods Decl., ¶12).

15 **III. LEGAL ARGUMENT**

16 **A. Personal Jurisdiction.**

17 Personal jurisdiction is required over a defendant whenever a Plaintiff seek a
 18 judgment against them personally. *Ins. Corp. of Ireland, Ltd. v. Compagnie des*
 19 *Bauxites de Guinee*, 456 U.S. 694, 711 n.1 (1982). Typically, personal jurisdiction is
 20 limited to the location(s) where the party resides, domiciled, and or has sufficient
 21 minimum contacts to justify exerting judicial authority over them. *Omni Capital*
 22 *Int'l, Ltd. v. Rudolph Wolff & Co., Ltd.*, 484 U.S. 97, 104-05 (1987); Fed. R. Civ. P.
 23 4(k)(1)(A).

24 Personal jurisdiction is of two types, "general" or "specific." *Bristol-Myers*
 25 *Squib Co. v. Superior Court*, 582 U.S., 137 S.Ct. 1773, 1785 (2017). Typically, a
 26 person's domicile provides the basis for general jurisdiction. *Id.* For specific
 27 jurisdiction, there must be a reasonable connection between the forum and the
 28 underlying controversy. *Id.* Due process requires that a defendant have "certain

1 minimum contacts with [the forum state] such that the maintenance of the suit does
 2 not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v.*
 3 *State of Wash.*, 326 U.S. 310, 316 (1945).

4 **1. The Court lacks general jurisdiction over Dr. Woods.**

5 Without question, this Court lacks general jurisdiction over Dr. Woods. His
 6 declaration makes clear that he resides in Texas, works in Texas, treated one of the
 7 Plaintiff's in Texas and that he has essentially no connections whatsoever with
 8 California. (See Woods Decl., ¶¶3-10). Moreover, Dr. Woods makes clear that he
 9 has not consented to jurisdiction over him in California and that litigating the case in
 10 California would impose a substantial burden on him personally and professionally.
 11 (See Woods Decl., ¶¶11-12).

12 **2. The Court lacks specific jurisdiction over Dr. Woods.**

13 Dr. Woods' declaration similarly makes it clear that he lacks sufficient
 14 minimum contacts with California to establish specific jurisdiction over him in this
 15 State. Specifically, Dr. Woods declares that: a) he has never lived in California at
 16 any time nor has he owned, rented or leased property in that State; b) his only visits
 17 to California involved visiting colleges with his son in 2020; c) he has never been
 18 involved in litigation in California prior to the instant action; d) he treated only one
 19 of the Plaintiffs and did so in Texas, not California; e) he does not bank with
 20 California banks; and f) he has never been in California with any party to this case
 21 that he is aware of. (See Woods Decl., ¶¶4-9).

22 **B. Nationwide jurisdiction is inappropriate in this case.**

23 Plaintiffs allege that the RICO jurisdictional statute provides nationwide
 24 jurisdiction in this case. While the reach of the RICO jurisdictional statute is broad
 25 in the abstract, it remains limited by due process concerns of fairness and
 26 convenience.

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1 Plaintiffs allege statutory nationwide jurisdiction under Section 1965(b) of
 2 RICO, which requires a showing that the ends of justice dictate that parties from
 3 other districts be brought before the Court. *Butcher's Union Local No. 498, United*
 4 *Food & Commercial Workers v. SDC Inv., Inc.*, 788 F.2d 535, 539 (9th Cir. 1986).
 5 Plaintiffs have not and cannot make this showing.

6 Here, the jurisdictional facts outlined above make basically no showing that
 7 the ends of justice are best served by hauling approximately 28 named defendants
 8 into Court in a foreign state wherein only one defendant resides and works. This is
 9 especially true where the overwhelming majority of those defendants (and nearly all
 10 of the alleged conduct) are located in one State, to wit, Texas. Nor do Plaintiffs
 11 attempt to do the opposite- i.e. show that Texas is not an appropriate forum of this
 12 case. Rather, Plaintiffs simply chose this District and tied it to the residence and
 13 work location of a single defendant, Eller, despite the fact that Eller's role in the
 14 alleged enterprise was very limited in scope, namely writing provider notes that
 15 formed the basis for other healthcare providers to provide prescriptions for
 16 medications to the Plaintiffs. The Court is reminded that the alleged enterprise is a
 17 sex-trafficking operation, not an illegal prescription drug distribution operation.
 18 Thus, although Plaintiffs attempt to make Eller's role significant within the
 19 enterprise, it simply is not. This fact is amplified by the fact that Eller *could not even*
 20 *prescribe the medication* (he is a psychologist, not a psychiatrist and thus is not
 21 licensed to do so- see Comp., ¶14).

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1 **IV. CONCLUSION**

2 On the extensive facts alleged in the sixty-two (62) page complaint,
3 California without question is an improper forum on many levels, and Plaintiffs'
4 choice in this regard appears to be a simple case of inappropriate forum-shopping.
5 This should not be allowed by this Court. As such, the instant motion to dismiss
6 should be granted.

7 DATED: February 8, 2023

WOOD, SMITH, HENNING & BERMAN LLP

8
9
10 By:

11 BRIAN L. HOFFMAN
12 DAVID J RUBAUM

13 Attorneys for Defendant, MICHAEL SCOTT
14 WOODS, M.D. (erroneously sued and served
15 herein as DR. SCOTT WOODS)

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PROOF OF SERVICE

**Hubbard v. Crow
Case No. 2:22-cv-7957-SK**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 10960 Wilshire Boulevard, 18th Floor, Los Angeles, CA 90024-3804.

On February 8, 2023, I served the following document(s) described as **DEFENDANT MICHAEL SCOTT WOODS' NOTICE OF MOTION AND MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND JOINDER IN MOTION TO DISMISS BY DEFENDANT PRUITT; MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 8, 2023, at Los Angeles, California.

/s/ Jessica Avila Gonzales

Jessica Avila Gonzales